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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re: PALM TREO 600 and 650 LITIGATION

This Document Relates To All Actions

Master File No.: C-05-03774-RMW

**DECLARATION OF ROGER E.
COLLANTON IN SUPPORT OF
FINAL SETTLEMENT
APPROVAL**

Date: May 23, 2008

Time: 9:00 am

Ctrm: 6

The Honorable Ronald M. Whyte

1 I, Roger E. Collanton, declare:

2 1. I am a member of the Bar of the State of California and a partner in the law firm of
3 Morrison & Foerster LLP, attorneys of record for defendant Palm, Inc., in the above-captioned
4 action. I have personal knowledge of the matters set forth below and, if called upon to do so, I
5 could and would competently testify thereto.

6 2. After the present litigation was filed, the parties agreed to engage in early
7 mediation. The parties spent several months prior to the mediation negotiating regarding the
8 scope of pre-mediation discovery and exchanging pre-mediation discovery. In particular, prior to
9 the mediation, Palm provided plaintiffs with extensive, focused pre-mediation discovery,
10 including almost 60,000 pages of documents, and written responses to a series of targeted
11 questions raised by plaintiffs, concerning alleged defects, sales data, retail pricing, return and
12 repair data, call drivers related to alleged defects, failure analyses, firmware and software updates
13 implemented for the Treo 600 and Treo 650, and other relevant information.

14 3. The parties then conducted two full days of structured mediation sessions at JAMS
15 in San Francisco before the Honorable Daniel Weinstein (ret.), and Catherine A. Yanni, Esq., the
16 first session on October 16, 2006, and the second on January 15, 2007. In between these two
17 dates, negotiations continued and the parties were in contact with mediator Yanni. At the
18 conclusion of the second day of the mediation session, the parties had arrived at a basic structure
19 for a settlement, though they had not reached agreement as to the detailed terms of the settlement.

20 4. Subsequently, the parties continued negotiations utilizing the structure that was
21 arrived at during the JAMS sessions. On February 9, 2007, the parties met and continued
22 negotiations, and ultimately agreed upon and documented the material terms of the settlement in a
23 Memorandum of Understanding.

24 5. The parties did not discuss the issue of fees or costs until all material terms of the
25 settlement were agreed upon and documented in the Memorandum of Understanding. On March
26 22, 2007, the parties met and negotiated attorneys' fees, costs, and incentive awards.

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1 6. The negotiations between the parties were lengthy and contentious during and
2 between the two mediation sessions on October 16, 2006 and January 15, 2007, and continued
3 thereafter. In total, the parties conducted negotiations for a period in excess of six months.

4 7. On February 19, 2008, Defendant sent a Notice of Class Settlement pursuant to 28
5 U.S.C. § 1715 to the U.S. Attorney General and the attorney general of every state. The Notice
6 attached copies of the Complaint, the Settlement Agreement and all exhibits thereto, and the
7 Court's Preliminary Approval Order.

8 8. A total of ten objections to the settlement agreement were submitted.

9 9. A total of fourteen potential class members submitted requests to be excluded from
10 the settlement agreement.

11 10. A true and correct copy of the objection to the proposed settlement submitted by
12 John S. Wenstrand on January 24, 2008 is attached hereto as Exhibit 1.

13 11. A true and correct copy of the objection to the proposed settlement submitted by
14 Arjuna Quinn on January 24, 2008 is attached hereto as Exhibit 2.

15 12. A true and correct copy of the objection to the proposed settlement submitted by
16 Michael G. Kassis on January 31, 2008 is attached hereto as Exhibit 3.

17 13. A true and correct copy of the objection to the proposed settlement submitted by
18 Eleanor Managad on February 18, 2008 is attached hereto as Exhibit 4.

19 14. A true and correct copy of the objection to the proposed settlement submitted by
20 Steven Messino on February 21, 2008 is attached hereto as Exhibit 5.

21 15. A true and correct copy of the objection to the proposed settlement submitted by J.
22 Martelino, Jr. on March 7, 2008 is attached hereto as Exhibit 6.

23 16. A true and correct copy of the objection to the proposed settlement submitted by
24 Joe Elek on March 28, 2008 is attached hereto as Exhibit 7. Plaintiffs' counsel has advised that
25 they would contact Mr. Elek to clear up any misapprehensions he has regarding the timing of the
26 repair period under the settlement.

27 17. A true and correct copy of the objection to the proposed settlement submitted by
28 Kenneth E. Nelson and Jeffrey Young on April 4, 2008 is attached hereto as Exhibit 8.

